

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In re Applications of	)	Facility ID No. 77643
	)	NAL/Acct. No. MB-202241410019
Estate of Albert Benavides	)	FRN: 0022578058
	)	
for Renewal of License for KAMZ(FM), Tahoka,	)	Application File No. 0000144023
Texas	)	
	)	
and	)	
	)	
Estate of Albert Benavides (Assignor)	)	
and	)	
Christina Benavides (Assignee)	)	
	)	
for Assignment of License for KAMZ(FM),	)	Application File No. 0000194138
Tahoka, Texas	)	

**ORDER**

**Adopted: December 8, 2022**

**Released: December 8, 2022**

By the Chief, Audio Division, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into by the Media Bureau (Bureau), the Estate of Albert Benavides, and Christina Benavides. Prior to his death on January 31, 2012, Albert Benavides was the licensee of station KAMZ(FM), Tahoka, Texas (Station). The Consent Decree resolves issues arising from the Bureau's review of the above-captioned applications for renewal of the Station's license (Renewal Application)<sup>1</sup> and for Commission consent to the assignment of license (Assignment Application)<sup>2</sup> from the Estate of Albert Benavides to Christina Benavides.

2. The Consent Decree concludes the Bureau's investigation of the licensee's compliance with the Online Public Inspection File Rule and the Ownership Report Rule contained in sections 73.3526 and 73.3615 of the Commission's rules,<sup>3</sup> and the licensee's compliance with section 310(d) of the Communications Act of 1934, as amended (Act),<sup>4</sup> and sections 73.3540 and 73.3541 of the Commission's rules (the Transfer of Control Rules).<sup>5</sup> Specifically, the licensee failed to notify the Commission promptly of the death of Albert Benavides, who was the licensee of the Station until his death on January 31, 2012, and failed to file an application for consent to the involuntary assignment of the Station's license from Mr. Benavides (deceased) to his estate within 30 days as required by section 73.3541 of the

<sup>1</sup> Application of the Estate of Albert Benavides for Renewal of License, Application File No. 0000144023 (filed April 26, 2021) (Renewal Application).

<sup>2</sup> Application of the Estate of Albert Benavides (Assignor) and Christina Benavides (Assignee) for Assignment of License, Application File No. 0000194138 (filed June 29, 2022) (Assignment Application).

<sup>3</sup> 47 CFR §§ 73.3526, 73.3615.

<sup>4</sup> 47 U.S.C. § 310(d).

<sup>5</sup> 47 CFR §§ 73.3540, 73.3541.

Commission's rules.<sup>6</sup> In addition, Christina Benavides, the daughter of the decedent, and Rick Benavides, the brother of the decedent, operated the Station for more than nine years without obtaining prior Commission consent for an assignment of the Station's license to Ms. Benavides, the ultimate beneficiary.<sup>7</sup> Also, on the Renewal Application the licensee disclosed that it did not comply with the Online Public Inspection File Rule and the Ownership Report Rule.<sup>8</sup>

3. Pursuant to the terms of the Consent Decree, the licensee stipulates that it violated section 310 of the Act and sections 73.3526, 73.3540, 73.3541, and 73.3615 of the rules. The Consent Decree also requires, among other things, that the licensee make a seven thousand dollar (\$7,000) civil penalty payment to the United States Treasury. A copy of the Consent Decree is attached hereto and incorporated by reference.

4. After reviewing the terms of the Consent Decree, we find that the public interest will be served by its approval and by terminating all pending proceedings related to the Bureau's investigation of potential violations of the rules and the Act in connection with the Renewal Application and the Assignment Application.

5. Based on the record before us, we conclude that nothing in that record creates a substantial and material question of fact as to whether the licensee possesses the basic qualifications to hold a Commission license or authorization.

6. **ACCORDINGLY, IT IS ORDERED** that, pursuant to section 4(i), 4(j), and 503(b) of the Act,<sup>9</sup> and the authority delegated by sections 0.61 and 0.283 of the FCC's rules,<sup>10</sup> the Consent Decree attached hereto **IS ADOPTED** without change, addition, or modification.

7. **IT IS FURTHER ORDERED** that the investigation by the Media Bureau of the matters noted above **IS TERMINATED**.

8. **IT IS FURTHER ORDERED** that copies of this Order and Consent Decree **SHALL BE SENT**, by First Class and Certified Mail, Return Receipt Requested, to the Estate of Albert Benavides, c/o Christina Benavides, 3210-34<sup>th</sup> Street, Lubbock, TX, 79410, and to counsel, Christopher D. Imlay, Esq., 14356 Cape May Road, Silver Spring, MD, 20904, and by email to [christina\\_benavides@yahoo.com](mailto:christina_benavides@yahoo.com) and [chris@imlaylaw.com](mailto:chris@imlaylaw.com).

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<sup>6</sup> 47 CFR § 73.3541; *see* 47 U.S.C. § 310(d).

<sup>7</sup> Renewal Application Attachs., Status of Applicant/Licensee & Affidavit of Heirship as Recorded in the Records of Lubbock County, Texas; *see* 47 U.S.C. § 310(d); 47 CFR § 73.3540; FCC Form 2100, Schedule 316, Instructions at 2 (Oct. 2020).

<sup>8</sup> Renewal Application Attach., FCC Violations During the Previous License Term.

<sup>9</sup> 47 U.S.C. §§ 154(i), 154(j), and 309(k).

<sup>10</sup> 47 CFR §§ 0.61, 0.283.

9. **IT IS FURTHER ORDERED** that pursuant to section 73.3526(e)(10) of the FCC's rules,<sup>11</sup> a copy of this Order and Consent Decree and as otherwise required all related investigatory materials **SHALL BE RETAINED** in the above-captioned Station's online public inspection file until grant of the next license renewal application.

FEDERAL COMMUNICATIONS COMMISSION

Albert Shuldiner  
Chief, Audio Division  
Media Bureau

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<sup>11</sup> *Id.* § 73.3526(e)(10).

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In re Applications of	)	Facility ID No. 77643
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Estate of Albert Benavides	)	FRN: 0022578058
	)	
for Renewal of License for KAMZ(FM), Tahoka,	)	Application File No. 0000144023
Texas	)	
	)	
and	)	
	)	
Estate of Albert Benavides (Assignor)	)	
and	)	
Christina Benavides (Assignee)	)	
	)	
for Assignment of License for KAMZ(FM),	)	Application File No. 0000194138
Tahoka, Texas	)	

**CONSENT DECREE**

**I. INTRODUCTION**

1. This Consent Decree is entered into by and between the Media Bureau of the Federal Communications Commission, the Estate of Albert Benavides, and Christina Benavides, to resolve certain issues arising from the Bureau's review of the above-referenced applications for KAMZ(FM), Tahoka, Texas, (hereafter the "Station," as defined below). In particular, the Consent Decree terminates the Bureau's investigation of the Station's compliance with the Online Public Inspection File Rule and the Ownership Report Rule contained in sections 73.3526 and 73.3615 of the Commission's rules.<sup>1</sup> The Consent Decree also terminates the Bureau's investigation of the Station's failure to notify the Commission and file the required assignment of license applications for over nine years following the death of Albert Benavides, who was the licensee of the Station, in violation of section 310(d) of the Communications Act of 1934, as amended (Act),<sup>2</sup> and sections 73.3540 and 73.3541 of the Commission's rules.<sup>3</sup> To resolve these matters, the licensee agrees to pay a civil penalty of \$7,000, and to implement a comprehensive Compliance Plan to ensure future compliance with section 310(d) of the Act and sections 73.3526, 73.3540, 73.3541, and 73.3615 of the Commission's rules.

**II. DEFINITIONS**

2. For purposes of this Consent Decree, the following definitions shall apply:
- (a) "Act" means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et. seq.*;
  - (b) "Adopting Order" means the order of the Bureau adopting this Consent Decree;

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<sup>1</sup> 47 CFR §§ 73.3526, 73.3615.

<sup>2</sup> 47 U.S.C. § 310(d).

<sup>3</sup> 47 CFR §§ 73.3540, 73.3541.

- (c) “Involuntary Assignment Application” means the FCC Form 2100, Schedule 316, application for assignment of license for KAMZ(FM), Tahoka, Texas, Application File No. 0000143999;
- (d) “Voluntary Assignment Application” means the FCC Form 2100, Schedule 314, application for assignment of license for KAMZ(FM), Tahoka, Texas, Application File No. 0000194138;
- (e) “Bureau” means the Media Bureau of the Federal Communications Commission;
- (f) “Civil Penalty” means the payment Licensee has agreed to pay to the United States Treasury;
- (g) “Commission” or “FCC” means the Federal Communications Commission and all of its bureaus and offices;
- (h) “Covered Employees” means all employees, agents, contractors, volunteers, and interns of the Licensee, who are responsible for performing, supervising, overseeing, or managing activities related to the maintenance of online public inspection files, as required by the Online Public Inspection File Rule, and/or activities that trigger or may trigger the requirements set forth in section 310(d) of the Act and the Transfer of Control Rules;
- (i) “Effective Date” means the date on which the Bureau releases the Adopting Order;
- (j) “Investigation” means the Bureau’s investigation of information contained in the applications, as detailed herein;
- (k) “License” refers to the license authorization for Station KAMZ(FM), Tahoka, Texas (Fac. ID No. 77643);
- (l) “Licensee” means the Estate of Albert Benavides and its affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest;
- (m) “Online Public Inspection File Rule” means 47 CFR § 73.3526;
- (n) “Ownership Report Rule” means 47 CFR § 73.3615;
- (o) “Parties” means the Estate of Albert Benavides, Christina Benavides, and the Bureau, each of which is a “Party”;
- (p) “Renewal Application” means the FCC Form 2100, Schedule 303-S, application for renewal of license for KAMZ(FM), Tahoka, Texas, Application File No. 0000144023;
- (q) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations;
- (r) “Station” means KAMZ(FM), Tahoka, Texas, Facility ID No. 77643;
- (s) “Transfer of Control Rules” means 47 CFR §§ 73.3540, 73.3541;
- (t) “Violations” means the failure to timely notify the Commission and file the required applications for assignment of the License for over nine years following the death of Albert Benavides, in violation of sections 73.3540 and 73.3541 of the Rules and section 310(d) of the Act, the failure to file biennial ownership reports for the years 2015, 2017, and 2019 in violation of the Ownership Report Rule, and the failure to maintain the Station’s Online Public Inspection File as required by section 73.3526 of the Rules.

### III. BACKGROUND

3. Section 310(d) of the Act, provides in pertinent part:

No construction permit or station license, or any rights thereunder, shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such permit or license, to any person except upon application to the Commission and upon finding by the Commission that the public interest, convenience, and necessity will be served thereby.<sup>4</sup>

The Transfer of Control Rules implement section 310(d) of the Act.<sup>5</sup>

4. The Ownership Report Rule requires that, among other things, covered broadcasters, including licensees of FM stations, must file a biennial ownership report by December 1 in all odd-numbered years.<sup>6</sup> Further, the Online Public Inspection File Rule requires that certain broadcast station licensees, including licensees of FM stations, must maintain an online public inspection file and upload certain documents to the Commission's public inspection file database throughout the year.<sup>7</sup> It is crucial that stations maintain online public inspection files that are complete and up to date because the information in them directly affects, among other things, the public's ability to be informed about a station's compliance with its obligations.

5. Albert Benavides was the licensee of the Station until his death on January 31, 2012.<sup>8</sup> Since then, the Station has been operated by Christina Benavides, the daughter of the decedent, and Rick Benavides, the brother of the decedent, with Rick serving as the "station manager" and Christina serving as the "general manager."<sup>9</sup> Christina Benavides filed the Renewal Application on April 26, 2021, disclosing that the application was being filed on behalf of the Estate of Albert Benavides due to the death of Mr. Benavides in 2012, and that the Renewal Application was subject to the Involuntary Assignment Application, which Ms. Benavides, on behalf of the estate, filed on the same date as the Renewal Application.<sup>10</sup> On June 29, 2022, Christina Benavides, on behalf of the estate and as the successor-in-interest, filed the Voluntary Assignment Application, seeking consent to assign the License from the estate to herself. All three applications were filed "without prejudice to any enforcement action that may be necessary due to the delay" in filing the assignment applications.<sup>11</sup>

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<sup>4</sup> 47 U.S.C. § 310(d).

<sup>5</sup> 47 CFR §§ 73.3540, 73.3541.

<sup>6</sup> *Id.* § 73.3615.

<sup>7</sup> *Id.* § 73.3526.

<sup>8</sup> Application of the Estate of Albert Benavides for Renewal of License, Application File No. 0000144023, Attach., Affidavit of Heirship as Recorded in the Records of Lubbock County, Texas (filed April 26, 2021) (Renewal Application).

<sup>9</sup> Application of Albert Benavides (Deceased) (Assignor) and the Estate of Albert Benavides (Assignee) for Assignment of License, Application File No. 0000143999, Attach., Purpose of Amendment (granted Sept. 9, 2022) (Involuntary Assignment Application).

<sup>10</sup> Renewal Application Attach., Status of Applicant/Licensee; *see* Involuntary Assignment Application. The applicant states that up until the time it filed the applications, "[t]here ha[d] not been . . . any probate proceeding involving the Estate" and that Christina Benavides is the authorized representative of the estate. *See, e.g.*, Renewal Application Attach., Status of Applicant/Licensee.

<sup>11</sup> Renewal Application, Attach., Status of Applicant/Licensee; Involuntary Assignment Application Attach., Agreements for Sale and Transfer of KAMZ(FM), Tahoka, Texas; Application of the Estate of Albert Benavides

(continued....)

6. In addition, on the Renewal Application the Licensee also disclosed that it did not comply with the Online Public Inspection File Rule and the Ownership Report Rule.<sup>12</sup> Based on the Licensee's noncompliance with the Transfer of Control Rules, the Online Public Inspection File Rule, and the Ownership Report Rule, the Bureau commenced the Investigation and suspended processing the Renewal Application, the Involuntary Assignment Application, and the Voluntary Assignment Application.

7. The Bureau and the Licensee have negotiated the terms of this Consent Decree that terminates the Investigation into the matters discussed above. As part of this Consent decree, the Licensee agrees to make a Civil Penalty payment of seven thousand dollars (\$7,000) to the U.S. Treasury and to implement and maintain a Compliance Plan designed to ensure future compliance with the Rules listed in the preceding paragraph for three (3) years after the Effective Date.

#### IV. TERMS OF AGREEMENT

8. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

9. **Jurisdiction.** The Licensee agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and the authority to enter into and adopt this Consent Decree.

10. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. Upon the Effective Date, the Adopting Order and this Consent Decree shall have the same force and effect as any other order of the Commission. The Licensee agrees that it is required to comply with each individual condition of this Consent Decree. Each specific condition is a separate condition of the Consent Decree as approved. Any violation of the Adopting Order or the terms of this Consent Decree shall constitute a separate violation of a Commission order, entitling the Commission to exercise any rights and remedies attendant to enforcement of a Commission order.

11. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In addition, the Bureau agrees to process the Renewal Application, the Involuntary Assignment Application, and the Voluntary Assignment Application in the ordinary course. In consideration for such, the Licensee agrees to the terms, conditions, and procedures contained herein.

12. The Bureau further agrees that, in the absence of new material evidence, it will not use the Violations or the existence of this Consent Decree in any action against the Licensee concerning the matters that were the subject of the Investigation, provided that the Licensee satisfies all of its obligations under this Consent Decree. In the event that the Licensee fails to satisfy any of its obligations under this Consent Decree, the Bureau may take any enforcement action available pursuant to the Act and the Rules with respect to each Violation, and/or the violation of this Consent Decree.

13. **Admission of Liability.** The Licensee stipulates for purposes of this Consent Decree that it violated section 310(d) of the Act and the Transfer of Control Rules by failing to notify the Commission within 10 days of the death of Albert Benavides on January 31, 2012, and by failing to timely file the required applications for Commission consent to the assignment of the License. The Licensee also admits that it failed to timely place records in its online public inspection file, in repeated violation of section 73.3526 of the Rules. The Licensee acknowledges that the Commission or its delegated authority may consider the Licensee's admission of liability in this Consent Decree in proposing any future forfeiture against the Licensee in the event the Licensee is determined to have

(Continued from previous page) \_\_\_\_\_

(Assignor) and Christina Benavides (Assignee) for Assignment of License, Application File No. 0000194138, Attach., Agreements for Assignment of License of KAMZ (filed June 29, 2022).

<sup>12</sup> Renewal Application, Attach., FCC Violations During the Previous License Term.

apparently committed a violation of the Act, the Rules, or of any orders of the Commission after the Effective Date, whether related to the Transfer of Control Rules, the Ownership Report Rule, the Online Public Inspection File Rule, or otherwise.

14. **Civil Penalty.** The Licensee agrees to pay the Civil Penalty to the United States Treasury in the amount of seven thousand dollars (\$7,000), within thirty (30) calendar days after the Effective Date. The Licensee acknowledges and agrees that upon execution of this Consent Decree, the Civil Penalty shall become a “Claim” or “Debt” as defined in section 3701(b)(1) of the Debt Collection Improvement Act of 1996.<sup>13</sup>

15. **Payment.** The Licensee will also send electronic notification of payment to Christopher Clark at Christopher.Clark@fcc.gov on the date said payment is made. Payment of the Civil Penalty must be made by credit card, ACH (Automated Clearing House) debit from a bank account using CORES (the Commission’s online payment system),<sup>14</sup> or by wire transfer. The Commission no longer accepts Civil Penalty payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:<sup>15</sup>

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. A completed Form 159 must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 may result in payment not being recognized as having been received. When completing FCC Form 159, enter the Account Number in block number 23A (call sign/other ID), enter the letters “FORF” in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).<sup>16</sup> For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using the Commission’s Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL/Acct. No. The bill number is the NAL Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678). After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using the Commission’s Registration System (CORES) at <https://apps.fcc.gov/cores/paymentFrnLogin.do>. To pay by ACH, log in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the

<sup>13</sup> Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (Apr. 26, 1996).

<sup>14</sup> Payments made using CORES do not require the submission of an FCC Form 159.

<sup>15</sup> For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6), or by e-mail at ARINQUIRIES@fcc.gov.

<sup>16</sup> Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.



view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL/Acct. No. The bill number is the NAL/Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

16. **Event of Default.** The Licensee agrees that an Event of Default shall occur upon the failure by the Licensee to pay the full amount of the Civil Penalty or any Installment Payment on or about the due date specified in this Consent Decree.

17. **Interest, Charges for Collection, and Acceleration of Maturity Date.** After an Event of Default has occurred under this Consent Decree, the then unpaid amount of the Civil Penalty or any Installment Payment shall accrue interest, computed using the U.S. Prime Rate in effect on the date of the Event of Default plus 4.75%, from the date of the Event of Default until payment in full. Upon an Event of Default, the then unpaid amount of the Civil Penalty or any Installment Payment, together with interest, any penalties permitted and/or required by the law, including but not limited to 31 U.S.C. § 3717 and administrative charges, plus the costs of collection, litigation, and attorneys’ fees, shall become immediately due and payable, without notice, presentment, demand, protest, or notice of protest of any kind, all of which are waived by the Licensee.

18. **Compliance Officer.** Within 30 calendar days after the Effective Date, the Licensee shall designate a senior manager to serve as a Compliance Officer and to discharge the duties set forth below. The Compliance Officer shall report directly to the Licensee’s Chief Executive Officer (or equivalent senior officer/owner) on a regular basis, and shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that the Licensee complies with the terms and conditions of the Compliance Plan and this Consent Decree. The Compliance Officer shall have specific knowledge of the Licensee’s obligations related to compliance with the Act and the Rules and serve as the point of contact on behalf of the Licensee for all FCC-related matters relating to the Compliance Plan. The Bureau acknowledges that the Compliance Officer, Chief Executive Officer, and/or owner may be the same individual.

19. **Compliance Plan.** For purposes of settling the matters set forth herein, the Licensee agrees that it shall, within 30 calendar days after the Effective Date, develop, implement, and maintain for a period of three (3) years a Compliance Plan designed to ensure future compliance with the Transfer of Control Rules, the Online Public Inspection File Rule, and the Ownership Report Rule. The Compliance Plan, with the exception of the Compliance Report described below in paragraph 19(c), shall apply to all radio stations owned by the Licensee. The Compliance Plan shall contain, at a minimum, the following elements:

- a. **Compliance Manual.** The Compliance Plan shall include a Compliance Manual that is distributed to all Covered Employees. Licensee may adopt a Compliance Manual that it has prepared or one that has been prepared by an outside source, such as a trade association (e.g. the National Association of Broadcasters), another licensee, or a law firm. The Compliance Manual shall:
  - i. thoroughly explain the requirements embodied in the Transfer of Control Rules, the Online Public Inspection File Rule, and the Ownership Report Rule;
  - ii. contain Operating Procedures that Covered Employees must follow to help ensure the Licensee’s compliance with the Act and the Rules. The Operating Procedures shall include internal procedures and policies specifically designed to ensure that the Licensee complies with the Act and the Rules. The Operating

Procedures shall also include a compliance checklist that describes the steps that a Covered Employee must follow to ensure compliance with the Transfer of Control Rules, the Online Public Inspection File Rule, and the Ownership Report Rule; and

- iii. be periodically reviewed and revised as necessary to ensure that the information set forth therein remains current, complete, accurate, and effective.
- b. **Compliance Training Program.** If the Licensee has Covered Employees, the Compliance Plan shall include a compliance training program to provide periodic training to those Covered Employees on complying with the Transfer of Control Rules, the Online Public Inspection File Rule, and the Ownership Report Rule. As part of the compliance training program, Covered Employees shall be advised of the Licensee's obligation to report any noncompliance with the Transfer of Control Rules, the Online Public Inspection File Rule, and the Ownership Report Rule. All Covered Employees shall receive initial training under the compliance training program within 30 calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after such initial training is provided shall receive training under the compliance training program within 30 calendar days after the date he or she becomes a Covered Employee. The Licensee shall provide training under the compliance training plan on at least an annual basis, and it shall periodically review and revise the compliance training program as necessary to ensure that it remains current, complete, and effective.
- c. **Compliance Report.** One year after entering into this Consent Decree and annually thereafter on the anniversary of the Effective Date until the Termination Date, the Licensee shall submit a compliance report to the Bureau for the Station. The compliance report shall contain a certification of the Licensee's compliance with the Transfer of Control Rules, the Online Public Inspection File Rule, and the Ownership Report Rule during the previous year. The compliance report shall be submitted to the Bureau no later than 30 calendar days after the anniversary of the Effective Date. The Bureau may, within its sole discretion, require the Licensee to submit more frequent or additional compliance reports in accordance with paragraph 20 below.
  - i. Each Compliance Report will include a certification by the Compliance Officer stating that the Compliance Officer has personal knowledge that the Licensee: (1) has established and implemented the Compliance Plan; (2) has utilized the operating procedures since the implementation of the Compliance Plan; (3) is not aware of any instances of non-compliance with the Consent Decree.
  - ii. The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and must comply with section 1.16 of the Rules and be subscribed to as true under penalty of perjury in substantially the form set forth therein.
  - iii. If the Compliance Officer is unable to provide the requisite certification, the Compliance Officer shall provide the Bureau with a report detailing the noncompliance, as described below.
  - iv. The compliance report shall be submitted to the Audio Division staff: Christopher Clark, Assistant Chief, at [Christopher.Clark@fcc.gov](mailto:Christopher.Clark@fcc.gov).

20. **Reporting Noncompliance.** The Licensee shall, for each station its owns, report any instance of noncompliance with the Transfer of Control Rules, the Online Public Inspection File Rule, the Ownership Report Rule, and any instance of noncompliance with any applicable terms and conditions of this Consent Decree within 10 calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of: (i) each such instance of noncompliance; (ii) the steps that the Licensee has taken or will take to remedy such noncompliance, including the schedule on which such actions will be taken; and (iii) the steps that the Licensee has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventative action will be taken. All reports of noncompliance shall be submitted to the Audio Division staff: Christopher Clark, Assistant Chief, at [Christopher.Clark@fcc.gov](mailto:Christopher.Clark@fcc.gov).

21. **Further Violation(s).** The Licensee acknowledges that the Bureau retains the discretion and authority to propose sanctions against the Licensee, including the issuance of notices of apparent liability for forfeitures, for any apparent willful and/or repeated violation by the Licensee of the Transfer of Control Rules, the Online Public Inspection File Rule, and/or the Ownership Report Rule that occur during the term of this Consent Decree.

22. **Qualifications; Agreement to Grant.** The Bureau finds that its Investigation raises no substantial and material questions of fact as to whether the Licensee possesses the basic qualifications, including those relating to character, to hold a Commission license or authorization. Accordingly, the Bureau agrees to grant the Renewal Application and the Voluntary Assignment Application after the Effective Date, provided that the following conditions have been met: 1) the Civil Penalty payment, referenced in paragraph 16 of this Decree, has been fully and timely satisfied; and 2) there are no issues other than the Violations that would preclude grant of the Application.

23. **Waivers.** The Licensee agrees to waive any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge the validity of this Consent Decree and the Adopting Order, provided the Consent Decree is adopted without change, addition or modification. If any Party (or the United States on behalf of the Commission), brings a judicial action to enforce the terms of the Consent Decree or Adopting Order, no Party will contest the validity of the Consent Decree or Adopting Order, and the Licensee will waive any statutory right to a trial de novo. The Licensee further agrees to waive any claims it may otherwise have under the Equal Access to Justice Act, 5 U.S.C. section 504, and section 1.1501 through 1.1530 of the Rules, relating to this Consent Decree or the Adopting Order.

24. **Severability.** The Parties agree that if a court of competent jurisdiction renders any of the provisions of this Consent Decree unenforceable, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

25. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it will become null and void and may not be used in any manner in any legal proceeding.

26. **Subsequent Rule or Order.** The Parties agree that if any provision of this Consent Decree conflicts with any subsequent Rule or Order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which the Licensee does not expressly consent), such provision will be superseded by such Rule or Order.

27. **Successors and Assigns.** The Licensee agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

28. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.


29. **Modifications.** This Consent Decree cannot be modified or amended without the advance written consent of all Parties.

30. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

31. **Authorized Representative.** Each Party represents and warrants to the other Party that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

32. **Counterparts.** This Consent Decree may be signed in counterparts and/or electronically and, when so executed, the counterparts, taken together, will constitute a legally binding and enforceable instrument whether executed electronically or by original signatures.

**MEDIA BUREAU  
FEDERAL COMMUNICATIONS COMMISSION**

By:   
Albert Shuldiner, Chief, Audio Division

Date: 12/08/2022

**Estate of Albert Benavides**

By: \_\_\_\_\_  
Christina Benavides, on behalf of the estate

Date: \_\_\_\_\_

**Christina Benavides**

By: \_\_\_\_\_  
Christina Benavides

Date: \_\_\_\_\_

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**MEDIA BUREAU  
FEDERAL COMMUNICATIONS COMMISSION**

By: \_\_\_\_\_  
Albert Shuldiner, Chief, Audio Division

Date: \_\_\_\_\_

**Estate of Albert Benavides**

By: \_\_\_\_\_  
Christina Benavides, on behalf of the estate

Date: 12/02/2022

**Christina Benavides**

By: \_\_\_\_\_  
Christina Benavides

Date: 12/02/2022